

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. TRUST COMPANY, N.A.,

Plaintiff,

v.

ROBERT S. STOLAR,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/4/2007

Civil Action No. 07-CV-7357 (WHP)

**STIPULATION OF DISMISSAL AND
AGREEMENT REGARDING
ARBITRATION**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the parties, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and there being no person not a party who has an interest in the subject matter of the action, in accordance with Fed. R. Civ. P. 41(a)(1)(ii), this action, as against Robert S. Stolar, and counterclaim, as against U.S. Trust, are dismissed without prejudice and that the parties agree to arbitrate all matters to the extent required under the parties' arbitration agreement. This stipulation of dismissal may be executed in counterparts, each of which shall be deemed an original and shall bind the signatories thereto.

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GIBBONS P.C.

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and, of counsel,

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Attorneys for Defendant

Robert S. Stolar

*The Clerk of Court is directed to
mark this case closed.*

SO ORDERED:

[Signature]
WILLIAM H. PAULEY III U.S.D.J.

11/30/2007

Dated: New York, New York
November __, 2007

SO ORDERED:

Honorable William H. Pauley
United States District Judge

